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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/772,701	
	Filing Date	02/05/2004	
	First Named Inventor	David P. Workman	
	Art Unit	1725	
	Examiner Name	Kevin P. Kema	
Total Number of Pages in This Submission	13	Attorney Docket Number	020627.035


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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gallagher & Dawsey Co. LPA		
Signature			
Printed name	David J. Dawsey		
Date	8/9/2006	Reg. No.	51,044

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	David J. Dawsey	Date	8/9/2006

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RESPONSE TO OFFICE ACTION MAILED 5/10/2006  
"Method for Repairing Defects in Metallic Substrate Using Welding"  
Serial No. 10/772,701  
Examiner: Kevin P. Kerns  
Atty. Docket No. 020627.035  
Page 1 of 12

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE****RECEIVED  
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Inventors: David P. Workman, James L. Reynolds )  
Jr., Timothy J. Trapp, Jerry E. Gould )  
Serial No.: 10/772,701 ) Examiner: Kevin P. Kerns  
Filed: February 5, 2004 ) Art Unit: 1725  
Title: Method for Repairing Defects in )  
Metallic Substrate Using Welding )  
Date: August 9, 2006 )

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**AMENDMENT & RESPONSE TO NONFINAL OFFICE ACTION****FILED BY FACSIMILE TO 571-273-8300**

10 Honorable Commissioner of Patents and Trademarks  
Mail Stop: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

15 Commissioner:

This communication is in response to a non-final Office Action mailed on May 10, 2006.

As this communication is being submitted within three months, it is believed to be timely. Please enter this amendment to the above-captioned application as follows; (1) Claims 1-21 are pending  
20 in the application, (2) Claims 1 and 15 are currently amended and Claims 2, 17, and 18 are currently canceled, and (3) Applicant requests consideration of the arguments as follow directed to Claims 1-21. Please enter the following amendments to the claims without prejudice and consider the following remarks, which support allowance of those claims.

*RESPONSE TO OFFICE ACTION MAILED 5/10/2006*  
*"Method for Repairing Defects in Metallic Substrate Using Welding"*  
*Serial No. 10/772,701*  
*Examiner: Kevin P. Kerns*  
*Atty. Docket No. 020627.035*  
*Page 2 of 12*

**Amendments to the Claims** begin on page 3 of this paper.

**Remarks** begin on page 11 of this paper.

**Conclusion** begins on page 12 of this paper.

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### **INTRODUCTORY REMARKS**

In response to the recent office action, applicant amends the claims placing them in a condition for allowance. Additionally, in response to the nonstatutory double patenting rejection, Applicant concurrently submits a terminal disclaimer in the currently pending application number 10/983,154. Further, in accordance with MPEP §804(B), Applicant believes that the

10 "provisional" double patenting rejection is the only rejection remaining in the present application and therefore this rejection should be withdrawn.